

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Katherine White	Team: Squad #5	CCRB Case #: 201907185	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/16/2019 2:30 PM	Location of Incident: Midtown South stationhouse	Precinct: 14	18 Mo. SOL 1/16/2021	EO SOL 9/2/2021	
Date/Time CV Reported Tue, 08/13/2019 1:03 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 08/13/2019 1:03 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Brian Flynn	00000	938492	MTS PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Brian Flynn	Abuse: Lieutenant Brian Flynn threatened to arrest § 87(2)(b)	

Case Summary

On August 13, 2019, § 87(2)(b) filed this complaint with the CCRB by leaving a message on the CCRB's Call Processing System.

On July 16, 2019, at approximately 2:30 p.m., § 87(2)(b) entered the Midtown South stationhouse to report a crime. Lieutenant Brian Flynn, of Midtown South, allegedly threatened to arrest § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g)).

Lt. Flynn was promoted to the rank of captain after this incident and before he provided a statement to the CCRB. He is referred to as Lt. Flynn throughout this report.

The investigation did not obtain video footage of the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Flynn threatened to arrest § 87(2)(b)

It is undisputed that § 87(2)(b) and Lt. Flynn interacted at the Midtown South stationhouse when § 87(2)(b) reported that he had been robbed.

In his initial complaint, during a follow-up call, and at his in-person interview, § 87(2)(b) recounted that Lt. Flynn threatened him with arrest or imprisonment during their conversation at the stationhouse (BR01-BR03). In his interview, § 87(2)(b) recounted that Lt. Flynn told him that officers would take him to the scene of the robbery, and that they would review surveillance footage from cameras in the vicinity. Lt. Flynn told § 87(2)(b) that he could not lie on a police report, and twice told him he would go to "jail" if the officers discovered that any portion of § 87(2)(b)'s account of the robbery was untrue. Lt. Flynn again threatened to arrest § 87(2)(b) as § 87(2)(b) was leaving the stationhouse several hours later.

Lt. Flynn denied that he threatened to arrest § 87(2)(b) and denied that he ever mentioned jail to him (BR04). Lt. Flynn confirmed that § 87(2)(b) approached him at the stationhouse and reported that he had been robbed at gunpoint. Lt. Flynn told § 87(2)(b) that the incident likely would have been caught on nearby surveillance cameras. § 87(2)(b) then changed his account and said that he was robbed by a bank teller. After some discussion about the nature of the crime, Lt. Flynn told § 87(2)(b) that an officer would take him to the scene to identify the exact location of the crime, after which officers would search for video footage of the crime. Lt. Flynn asked a sergeant to take § 87(2)(b) to the location and ended his interaction with § 87(2)(b). After about an hour, Lt. Flynn saw § 87(2)(b) in the stationhouse filling out a report. § 87(2)(b) thanked Lt. Flynn, and Lt. Flynn gave § 87(2)(b) his name and phone number.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR05).
- Lt. Brian Flynn has been a member of service for fourteen years, and has been a subject in eleven CCRB complaints and eighteen allegations. None of the allegations was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
- On January 2, 2019, the NYC Office of the Comptroller confirmed that no Notice of Claim has been filed regarding this incident (BR07).

Squad No.: 5

Investigator:	_____ Signature	Inv. Katherine White _____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	IM Daniel Giansante _____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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